UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,796	11/21/2003	David A. Monroe	121947.0001.740	3090

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                 7590        01/26/2007
Attn: Kirt S. O'Neill
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
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EXAMINER
NGUYEN, THU V

ART UNIT	PAPER NUMBER
3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 October 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 May 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/17/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The amendment filed on October 17, 2006 has been entered. By this amendment, all claims 1-20 are pending in the application.

Information Disclosure Statement

1.   The information disclosure statement filed July 3, 2006 fails to comply with 37 CFR 1.98(a)(3) because it (specifically, document EP744630) does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language.

2.   Prior arts previously considered and initialed by the examiner will not be re-initialed in the IDS submitted on October 17, 2006. The applicant should not include any documents that have been considered by the examiner in the form 1449.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1, line 7, the relation between the acoustic locator and the VDR is ambiguous. Claim 1, line 1 teaches that the VDR comprises elements a-f. However, the acoustic locator disclosed in line 7 is taught as "coupled to" the VDR. It is not clear if the acoustic locator is "an element of the VDR system" or if the acoustic locator is a separate device that is coupled to the VDR (that means the VDR includes only items a-e in the claim).

b. Other claims are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masten JR. (US 2003/0185296) in view of Li et al (US 2003/0097661) and further in view of Bartoe, Jr. et al (US 3,688,029).

As per claim 1, 10, Masten teaches a vehicle video data recorder system (para 0047, 0051), the system comprises: a digital memory array (para 0026); a signal generating device (a camera) (para 0026, 0031); a coupler (computer) for receiving data signals from the signal generating device (para 0031, 0033). Masten does not explicitly disclose an encoder for converting the data signal to an IP protocol and an interface for introducing the IP protocol to the

memory array, and an acoustic locator. However Master suggests converting the signal at the on-board vehicle interface to the IP format ready for transmitting and storing data over the internet (para 0039-0040, 0045), and Li teaches an encoder for converting the data signal to an IP protocol and an interface for introducing the IP protocol signals to the memory array (para 0012, 0013). Furthermore, Bartoe teaches an acoustic locator 21 (fig.1) comprising a pattern generator coupled to the video data recorder 24 (fig.1) (col.11, lines 48-56). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the encoder and the interface taught by Li to the system taught by Masten in order to improve transmission speed and provide quick access to the system database. It would also have been obvious to a person of ordinary skill in the art at the time the invention was made to include an acoustic locator 21 (fig.1) of Bartoe to the VDR taught by Masten in order to use VDR to detect location of an object relative to the VDR system on board a marine vehicle.

As per claim 2-4, implementing an encoder at a specific location, or incorporating a known encoder to the signal generating device (the camera) would have been known as obvious matter of design choice an ordinary person skilled in the art would be able to implement the encoder to an suitable location to save space and enhance convenience in the system implementation .

As per claim 5, Masten teaches an analog camera including a digital signal encoder (para 0031-0032).

As per claim 6, Masten teaches analog audio transmitter including a digital signal encoder (para 0032).

As per claim 7, using multiplexer to combine signals from different sources into a single signal would have been well known.

As per claim 8, Masten teaches a plurality of dissimilar signal generating devices (the camera and the audio device) (para 0031-0032, 0059); moreover, using switched hub for managing signals would have been well known in IP communication network.

As per claim 9, Masten teaches a wireless signal generating device with a wireless access point for transmitting the wireless signal (para 0056-0057).

As per claim 11-12, Masten teaches a panic button for sending an alert signal to the system (para 0036, 0049), and controlling the rate of frame recording (para 0063), moreover, controlling distribution of signals according to alert or emergency status would have been known.

As per claim 13-14, Masten teaches sending data signals to an external receiving station (para 0066) via communication satellite interface (para 0047, 0055).

As per claim 15, providing military radio communication link for monitoring or remote controlling military aircraft would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the well known radio communication link in order to facilitate monitoring and remote controlling an aircraft.

As per claim 16-20, Masten teaches wireless LAN interface (para 0056-0057). Moreover, including a switch hub, ARINC for distributing output signals via LAN interface to a plurality of monitoring facilities including a mobile monitoring entity such as an aircraft would have been well known and obvious matter of design choice. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the switch hub, the ARINC to the system of Masten in order to enable receiving data from a plurality of signal generating devices and to enable distributing data to a plurality of facilities that need the information from the plurality of signal generating devices.

Response to Arguments

Applicant's arguments filed October 17, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show features of the pattern generator, it is noted that the inventive features concerning the pattern generator in the acoustic
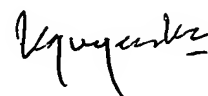
locator are not recited in the rejected claims. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The

examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 17, 2007

THU V. NGUYEN
PRIMARY EXAMINER